



State of New Jersey  
COUNCIL ON LOCAL MANDATES  
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Hon. John A. Sweeney, AJSC (*ret.*)  
Chair

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December 6, 2019

IN THE MATTER OF THE COMPLAINT FILED BY THE NEW JERSEY  
ASSOCIATION OF COUNTIES COLM 1-19

DECISION AND ORDER ON MOTION FOR RECONSIDERATION

Respondent, State of New Jersey, moves for reconsideration of the Final Decision of the Council On Local Mandates dated November 15, 2019. Respondent asserts that the Council's decision must be vacated because it was "based upon an incorrect premise that the funding appropriated by L. 2019 c. 265 is 'frozen' and 'unavailable'."

Council unanimously finds the motion to be without merit and denies the same.

We add the following for the guidance of future litigants before the Council. First, there is no provision in the Rules of Procedure that permits the filing of a Motion for Reconsideration. There is no such Rule because decisions that strike down a Legislative Act, signed into law by the Governor, cause that law to "cease to be mandatory in effect and expire." N.J. Const., Art VIII, Section II, Para. 2(5)(a).

Next, neither the Constitution nor any statute provides the Council with the power or authority to revive or resurrect a law that has been declared to be an unfunded mandate. Only the Legislature, by passing a new version of the law with appropriate funding and having it signed by the Governor has the ability to do so.

Finally, in this case the Attorney General attempts to support the motion with new evidence (Certification of David Ridolfino) after the record has been closed. This is the same tactic that he so vociferously decried when it was attempted by his adversary in NJAC's written summation. We declined to accept new evidence then; and we decline to accept it now.

It is so ORDERED on this 6th day of December, 2019.

A handwritten signature in black ink, appearing to read "J. Sweeney", with a large, stylized initial "J" and a long, sweeping underline.

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John A. Sweeney, Chair